

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 25

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TOMOSHI HIRAYAMA

Appeal No. 1996-1418
Application No. 08/247,521

ON BRIEF¹

Before KRASS, GROSS, and BLANKENSHIP, Administrative Patent Judges.

GROSS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1 through 7, which are all of the claims pending in this application.

Appellant's invention relates to a character input apparatus which includes a display for displaying characters and corresponding character type identifiers simultaneously.

¹ We observe that on August 2, 2000 (paper no. 24), appellant filed a waiver of the oral hearing set for September 12, 2000.

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Claim 1 is illustrative of the claimed invention, and it reads
as follows:

1. A character data input apparatus comprising:

a memory for storing together codes of characters
and character kind identifiers for distinguishing characters
of different kinds, each of said identifiers corresponding to
a plurality of said characters of the same kind;

a display for displaying together said characters
and their corresponding character kind identifiers;

means for inputting a hand written character:

a controller responsive to said input means for
outputting a character and its corresponding character kind
identifier from said memory;

a first area in said display for displaying one said
character; and

a second area in said display for displaying said
character kind identifier individually associated with said
one character wherein said one character may be distinguished
from a character of similar appearance, but of a different
kind.

The prior art of record relied upon by the examiner in
rejecting the appealed claims is:

Appellant's admitted prior art discussed on pages 1-2 of the
specification and illustrated in Figure 21 (APA)

Claims 1 through 7 stand rejected under 35 U.S.C. §
102(a) as being anticipated by APA.

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Reference is made to the Examiner's Answer (Paper No. 21, mailed November 15, 1995) for the examiner's complete reasoning in support of the rejection, and to appellant's Brief (Paper No. 20, filed August 16, 1995) for appellant's arguments thereagainst.

OPINION

As a preliminary matter, we note that appellant indicates on page 3 of the Brief that the claims do not stand or fall together. Appellant argues each of claims 1, 4, and 6 separately, but not the remaining dependent claims. Therefore, we will treat the claims according to the following three groups: (1) claims 1 through 3 and 7/(1-3), (2) claims 4, 5, and 7/(4, 5), and (3) claims 6 and 7/6.

We have carefully considered the claims, the applied prior art, and the respective positions articulated by appellant and the examiner. As a consequence of our review, we will affirm the rejection of claims 4, 5, and 7/(4, 5) and reverse the rejection of claims 1 through 3, 6, and 7/(1-3, 6).

Claim 1 recites that plural characters and their corresponding character kind identifiers are to be displayed together. Appellant contends (Brief, page 4) that in APA as shown in Figure 21 "clearly characters and their corresponding identifiers are not displayed together, nor are plural identifiers displayed." The examiner responds (Answer, page 5) that recognized characters and character kind information for the recognized characters are

displayed together since the information is displayed on the same tablet display and displayed at the same time. The conventional display system illustrated in claim [sic, Figure] 21 displays a plurality of characters and their character kind identifiers since when the user wants to view the kind information for any of the displayed characters, he simply moves the cursor to that displayed character and that character and corresponding kind information are displayed together.

We agree with the examiner that plural characters are displayed and that for any character displayed the character kind identifier can be displayed together therewith. However, only one identifier can be displayed at any given time. Therefore, plural characters and the corresponding plural identifiers are not displayed together, as required by claim 1. "It is axiomatic that anticipation of a claim under § 102

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can be found only if the prior art reference discloses every element of the claim."

In re King, 801 F.2d 1324, 1326, 231 USPQ 136, 138 (Fed. Cir. 1986). See also Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co., 730 F.2d 1452, 1458, 221 USPQ 481, 485 (Fed. Cir. 1984). Since APA fails to meet every limitation of claim 1, APA does not anticipate claim 1 nor its dependents, claims 2, 3, and 7/(1-3).

Regarding claim 4, appellant's sole argument is that "identification of handwritten characters is displayed in the second areas associated with the first areas in which the characters are entered, simultaneously with data entry, without having to initiate a separate procedure, as is the case in connection with the apparatus of Fig. 21." However, we first note that we find no limitation of display simultaneous with data entry recited in the claim. Nonetheless, as the examiner explains (Answer, page 6), as each handwritten character is input and the recognized character is output in a square B, the cursor is located at the same square B. As admitted by appellant (Specification, page 2, lines 16-20), portion D displays the character kind

for the character located in the square B where the character cursor is positioned. Since the cursor is located at the square of the character being input, the character type identifier for the character being input will be displayed in portion D. Thus, the identification of a character being entered is displayed in the second area simultaneously with data entry. Accordingly, we will affirm the rejection of claim 4 and the claims grouped therewith, claims 5 and 7/(4, 5).

Claim 6 requires that each character has a first and second area and that the two areas are contiguous to each other. The examiner asserts that "contiguous" is defined as "nearby or adjacent" and that areas B and D in APA Figure 21 "can be reasonably characterized as nearby or adjacent." We disagree. First, in Figure 21 there is not a separate second area for displaying the identifier for each character. All of the characters share a single area of identifiers. Therefore, APA fails to meet the first portion of the claim. Further, even taking the examiner's definition of "contiguous," we do not find areas B and D in Figure 21 to be contiguous. Area D is adjacent to the last four characters, but not to each

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character. Accordingly, we cannot sustain the anticipation rejection of claim 6.

CONCLUSION

The decision of the examiner rejecting claims 1 through 7 under 35 U.S.C. § 102 is affirmed as to claims 4, 5, and 7/(4, 5) and reversed as to claims 1 through 3, 6, and 7/(1-3, 6).

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED-IN-PART

ERROL A. KRASS)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
ANITA PELLMAN GROSS)	APPEALS
Administrative Patent Judge)	AND
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